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12 *Attorneys for Plaintiff and the Class*

13 **UNITED STATES DISTRICT COURT**  
14 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

16 KEVIN RISTO, on behalf of himself  
17 and all others similarly situated,

18 Plaintiff,

19 v.

20 SCREEN ACTORS GUILD-  
AMERICAN FEDERATION OF  
21 TELEVISION AND RADIO  
ARTISTS, a Delaware corporation;  
AMERICAN FEDERATION OF  
22 MUSICIANS OF THE UNITED  
STATES AND CANADA, a California  
nonprofit corporation; RAYMOND M.  
23 HAIR, JR, an individual, as Trustee of  
the AFM and SAG-AFTRA Intellectual  
Property Rights Distribution Fund;  
TINO GAGLIARDI, an individual, as  
24 Trustee of the AFM and SAG-AFTRA  
Intellectual Property Rights Distribution  
Fund; DUNCAN CRABTREE-  
25 IRELAND, an individual, as Trustee of  
the AFM and SAG-AFTRA Intellectual

**CASE NO. 2:18-CV-07241-CAS-PLA**  
**CLASS ACTION**

**DECLARATION OF KEVIN RISTO  
IN SUPPORT OF PLAINTIFF'S  
NOTICE OF MOTION FOR CLASS  
CERTIFICATION**

Judge: Hon. Christina A. Snyder

Date: September 14, 2020  
Time: 10:00 am  
Crtrm.: 8D

1 Property Rights Distribution Fund;  
2 STEFANIE TAUB, an individual, as  
3 Trustee of the AFM and SAG-AFTRA  
4 Intellectual Property Rights Distribution  
5 Fund; JON JOYCE, an individual, as  
6 Trustee of the AFM and SAG-AFTRA  
7 Intellectual Property Rights Distribution  
8 Fund; BRUCE BOUTON, an  
9 individual, as Trustee of the AFM and  
10 SAG-AFTRA Intellectual Property  
11 Rights Distribution Fund; and DOE  
12 DEFENDANTS 1-10,

13 Defendants.

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## DECLARATION OF KEVIN RISTO

I, Kevin Risto declare as follows:

3       1. I am the named Plaintiff and proposed class representative in the above-  
4 captioned class action lawsuit against the Screen Actors Guild-American Federation  
5 of Television and Radio Artists (“SAG-AFTRA”), American Federation of Musicians  
6 of the United States and Canada (“AFM”), and the trustees of the AFM and SAG-  
7 AFTRA Intellectual Property Rights Distribution Fund (the “Fund”) Raymond M.  
8 Hair Jr., Augustino Gagliardi, Duncan Crabtree-Ireland, Stefanie Taub, Jon Joyce,  
9 and Bruce Bouton (collectively “Defendants”). I submit this declaration in support of  
10 Plaintiff’s Motion for Class Certification. I am personally familiar with the facts that  
11 are provided in this declaration. If called as a witness, I could and would competently  
12 testify to the matters stated herein.

13        2. I am a beneficiary of the Fund and entitled to royalties as a non-featured  
14 artist for the song “When I See U,” by Fantasia. I have written and produced songs  
15 for other artists including, but not limited to, Jennifer Lopez, 50 Cent, and Justin  
16 Bieber. I also received a Grammy award for my work on Frank Ocean’s “Channel  
17 Orange” album. I am not a member of an artist union.

18       3. I decided to serve as a class representative and to pursue this class action  
19 lawsuit against the Defendants without any promise of recovery or compensation. By  
20 serving as class representative, it is my goal to ensure monetary, declaratory, and  
21 injunctive relief for all Fund beneficiaries who are class members; requiring a return to  
22 the Fund of the 3% fee taken since July 2013 (the “Service Fee”); cessation of collection  
23 of the Service Fee; and a declaration that the Data Purchase and Services Agreement is  
24 void and unenforceable.

25       4. It is my understanding that this lawsuit could not have been pursued on  
26 behalf of the class members against the Defendants unless an impacted Fund  
27 beneficiary, such as myself, served as class representative. In deciding to serve as the

1 class representative in this case, I understood there was a potential that my name would  
2 be disclosed to the media, and could adversely impact my working relationship with  
3 members of the Defendant unions or related entities. Despite these risks, I have agreed  
4 to serve as a class representative.

5. To date on behalf of myself and the class, I have helped vigorously pursue  
the claims of this case and fulfilled all my responsibilities as class representative. These  
efforts required dedicating time to case-related activities including, but not limited to:  
(1) reviewing and approving court filings, including the operative Class Action  
Complaint; (2) staying informed and communicating with my attorneys regarding the  
status and progress of this lawsuit; (3) participating in the collection of documents and  
preparation of the discovery responses; (4) participating in mediation with Defendants.  
These activities required time and resources that could have been spent on other  
professional matters.

14       6. I have no conflicts of interest with any members of the class and will  
15 continue to vigorously pursue all claims on behalf of the class. I remain ready, willing,  
16 and able to continue actively participating in this lawsuit and fulfilling my  
17 responsibilities as class representative throughout the course of this litigation including  
18 attending and providing testimony at deposition and trial if necessary.

19 I declare under penalty of perjury under the laws of the United States of  
20 America that the foregoing is true and correct.

21 || Executed on June 26, 2020, at Las Vegas, Nevada.

DocuSigned by:  
  
A34CD99A91B1463  
Kevin Risto